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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,112	09/15/2003	Norman S. Martucci	0153.00102	1825

7590 06/03/2005  
KOHN & ASSOCIATES, PLLC  
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EXAMINER

HOOK, JAMES F

ART UNIT PAPER NUMBER

3754

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,112	<b>Applicant(s)</b> MARTUCCI ET AL.	
	<b>Examiner</b> James F. Hook	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,8-17 and 21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,8-17 and 21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8-17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashcraft in view of Martucci (527). The patent to Ashcraft discloses the recited hose assembly comprising an inner jacket 110, where it is disclosed in column 4, lines 50-57 that the spacers which form the compartments can be formed integral with the inner jacket 110, the combination of layer 110, 122 forms the inner layer with compartments, where the compartments provide means to carry fluids there through, and the layer is made of a polymeric polyamide material, an outer layer 126 is provided outside of the inner jacket and can also be formed of many different types of polyamides list in column 4, lines 58-67, as well as extra layers 124, couplings are provided at the ends, additives can be provided to the inner layers to make the layers conductive, and a method of making such a hose is also given including extrusion. The use of the hose as a fuel tube is also set forth, where it is not clear if such is used in an automobile or not, however, such is considered merely intended use where the hose is capable of use in an automobile if such is designed to carry types of fuels such as types of gasolines. The patent to Ashcraft discloses all of the recited structure with the exception of forming the inner jacket of a polymeric fluorocarbon, providing a braided

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layer between an outermost layer and the inner layer, and using carbon black to make the inner layer conductive. The patent to Martucci discloses the recited hose for use in an automobile comprising forming the first inner layer 12 of a fluorocarbon such as set forth in claim 5, including PTFE which are known equivalent materials used for inner layers of hoses in contact with fuels, a jacket 14 is provided over the hose assembly and is made of polyamide such as those listed in claim 10, a braid layer 26 can be disposed between the first layer and the jacket, means such as carbon black can be added to strip 16 in the first layer to conduct electrical charges, a coupling means 18 can be provided, and the method of forming the tube is also provided. It would have been obvious to one skilled in the art to modify the conductive material in Ashcraft to be any type of material used to make a layer conductive including carbon black which is one such known material in the art, to modify the inner layer of Ashcraft to be formed of a polymeric fluorocarbon where such is a known equivalent material used for an inner layer of a hose intended to carry fuels, and to provide a braided reinforcement layer between the inner and outer layers to provide strength to the tube to prevent damage as suggested by Martucci where such would make the hose stronger, and less apt to deteriorate using the superior materials set forth in Martucci when such is used in an environment in contact with fuels, where such would reduce replacement costs and thereby save money.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ashcraft in view of Martucci (527) as applied to claims 1, 8-17, and 21 above, and further in view of Barnett. The patent to Ashcraft as modified discloses all of the recited structure with

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the exception of forming the inner layer of a single integrated unit. The patent to Barnett teaches that various numbers of passageways can be provided in a first layer of a tube and that such is intended to take the place of known tubes with single passageways there through that are provided in bundles for a plurality of flows. Ashcraft teaches such a tube with multiple flow paths made of multiple parts. It would have been obvious to one skilled in the art to modify the inner layer of Ashcraft as modified to be formed of a single integrated unit as suggested by Barnett where such would reduce the costs by reducing production machinery needed to form multiple layers and connect them together as opposed to performing a one step extrusion of the layer with multiple pathways as set forth by Barnett.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,2 , 8-17 and 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

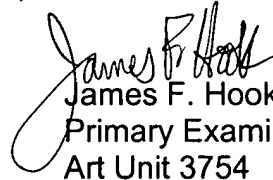
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Stenson, Blazer, and Fraser disclosing state of the art tubes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH